



General Assembly

January Session, 2009

**Amendment**

LCO No. 7494

**\*SB0090907494SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 909

File No. 535

Cal. No. 385

**"AN ACT CONCERNING TECHNICAL CHANGES TO ELECTION LAWS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) There is established a  
4 Legislative Ethics Committee that shall review and adjudicate any  
5 charges brought against a member of the House of Representatives or  
6 the Senate pursuant to subsection (f) of this section for acts that violate  
7 the Legislative Code of Conduct described in section 502 of this act.

8 (b) The six members of the Legislative Ethics Committee shall be  
9 appointed as follows: (1) One by the president pro tempore of the  
10 Senate; (2) one by the speaker of the House of Representatives; (3) one  
11 jointly by the president pro tempore of the Senate and the speaker of  
12 the House of Representatives, who shall serve as cochair of the  
13 committee; (4) one by the minority leader of the Senate; (5) one by the

14 minority leader of the House of Representatives; and (6) one jointly by  
15 the minority leader of the Senate and the minority leader of the House  
16 of Representatives, who shall serve as cochair of the committee.  
17 Members of the committee shall serve two year terms concurrent with  
18 their term of office.

19 (c) A quorum of the committee shall be required to conduct any  
20 business. Four members of the committee shall constitute a quorum.  
21 The committee shall function without regard to recess periods or  
22 adjournment.

23 (d) The powers and duties of the Legislative Ethics Committee shall  
24 consist of the following: (1) Issuing written advisory opinions upon the  
25 written request of any member of the Senate or House of  
26 Representatives regarding the Legislative Code of Conduct described  
27 in section 502 of this act; (2) receiving complaints of any alleged  
28 violation of the Legislative Code of Conduct by a member and  
29 referring complaints to the Chief Court Administrator to enable a  
30 judge trial referee to determine whether probable cause exists to  
31 believe that a violation of such code has occurred; (3) investigating  
32 complaints of any alleged violation of the Legislative Code of Conduct  
33 by a member if a judge trial referee makes a determination that  
34 probable cause exists to believe that a violation of such code has  
35 occurred; and (4) maintaining a record of its proceedings in addition to  
36 copies of advisory opinions issued by the committee in order to  
37 achieve consistency in recommendations and the issuance of advisory  
38 opinions.

39 (e) Any member of the General Assembly may request, in writing,  
40 an advisory opinion regarding the Legislative Code of Conduct  
41 generally or its applicability to a real or hypothetical situation. Any  
42 advisory opinion issued by the Legislative Ethics Committee shall be  
43 made in writing and publicly available for review, provided any  
44 request by a member for an advisory opinion shall remain confidential.  
45 Any member who acts in good faith upon any advisory opinion issued  
46 by the Legislative Ethics Committee concerning such member shall not

47 be subject to discipline by their respective chamber with regard to the  
48 matters covered by such advisory opinion provided there was a full  
49 disclosure to the committee of all facts necessary for issuance of the  
50 advisory opinion.

51 (f) (1) A complaint may be filed with the Legislative Ethics  
52 Committee by any member of the General Assembly.

53 (2) In order for a complaint to be valid, it shall: (A) Be in writing; (B)  
54 state the name of the person filing the complaint; (C) state the name of  
55 the member who is alleged to have committed a violation of the  
56 Legislative Code of Conduct; (D) set forth allegations that, if true,  
57 would constitute a violation of the Legislative Code of Conduct. Such  
58 allegations shall be stated with sufficient clarity and detail to enable  
59 the committee to make a finding; (E) state the date of the alleged  
60 violation; (F) include a statement that the allegations are true to the  
61 complainant's own knowledge or that the complainant believes them  
62 to be true; and (G) be signed by the complainant under penalty of  
63 perjury.

64 (3) If the complaint is deficient as to form, the complaint shall be  
65 returned to the complainant with a statement that indicates the nature  
66 of the deficiency. If a complaint, previously found to be deficient as to  
67 form, is refiled with the committee in a valid form, the party charged  
68 in the complaint shall be provided with a copy of the new complaint.  
69 Any subsequent amendments to a complaint that are filed with the  
70 committee shall also be served or personally delivered to the member  
71 charged in the complaint. If the complaint is sufficient as to form, the  
72 committee shall review the complaint to determine whether the  
73 complaint states a charge that may be investigated by the committee.

74 (4) The committee shall promptly send a copy of a valid complaint  
75 to the member alleged to have committed the violation, who shall  
76 thereafter be designated as the respondent.

77 (5) If the committee determines that a complaint is not valid, the  
78 complaint shall be dismissed and returned to the complainant with a

79 notice of dismissal stating the reason or reasons for the dismissal.

80 (g) (1) If the committee determines that a complaint is valid, the  
81 committee shall request that the Chief Court Administrator appoint a  
82 judge trial referee to review the allegations contained in the complaint  
83 and determine whether there is probable cause to believe that a  
84 violation of the Legislative Code of Conduct has occurred and whether  
85 an evidentiary hearing on the complaint should be held by the  
86 committee. Any such review and subsequent evidentiary hearing shall  
87 be closed to the public. The records and other documents used in the  
88 course of any such review or evidentiary hearing shall not be subject to  
89 disclosure under chapter 14 of the general statutes, except if the  
90 respondent requests such disclosure.

91 (2) During any review or hearing conducted pursuant to  
92 subdivision (1) of this subsection, the respondent shall have the right  
93 to appear and be heard and to offer any information that may tend to  
94 disprove any such allegation. The respondent shall also have the right  
95 to be represented by legal counsel and to examine and cross-examine  
96 witnesses. Any finding of probable cause to believe the respondent is  
97 in violation of any provision of the Legislative Code of Conduct shall  
98 be made by a judge trial referee not later than thirty days after the  
99 committee refers the complaint alleging a violation, except that such  
100 thirty-day period shall not apply if the judge trial referee determines  
101 that good cause exists for extending such limitation period.

102 (3) If a judge trial referee determines that probable cause exists to  
103 believe that the respondent violated the Legislative Code of Conduct,  
104 the committee shall initiate hearings to determine whether there has  
105 been a violation of the Legislative Code of Conduct. Any such hearing  
106 shall be initiated by the committee not later than thirty days after the  
107 judge trial referee's determination of probable cause. The committee  
108 may grant one fifteen-day extension for the starting date of such  
109 hearing upon the mutual consent of the complainant and the  
110 respondent. The final disposition of any violation that the committee  
111 has found to have been established by clear and convincing evidence

112 shall be made not later than fourteen days after the conclusion of the  
113 hearing on the complaint.

114 (4) The committee shall receive all admissible evidence, determine  
115 any factual or legal issues presented during the hearing, and make  
116 findings of fact based upon evidence received. Hearings shall be open  
117 to the public. The rules of evidence shall apply in any such hearing  
118 before such committee.

119 (5) For an allegation to be proved, a majority of the committee shall  
120 vote that it is proved by clear and convincing evidence. The  
121 cochairpersons of the committee shall dismiss each allegation that is  
122 not proved by clear and convincing evidence. If a majority of the  
123 committee votes that a count was not proved by clear and convincing  
124 evidence, a motion to reconsider such vote may only be made by a  
125 member of the committee who voted that the count was not proved by  
126 clear and convincing evidence.

127 (6) Upon the conclusion of any such hearing, the committee shall  
128 make a recommendation to the respective chamber as to what action it  
129 deems appropriate and that such recommendation shall be one of the  
130 following: Expulsion, censure, reprimand or no action. The  
131 committee's final recommendation shall be in the form of a resolution  
132 for approval or rejection by the respective chamber.

133 (h) (1) A member of the Legislative Ethics Committee shall be  
134 disqualified from participating in any proceeding before the committee  
135 involving a complaint against such member. If a complaint is filed  
136 against a member, the appointing authority shall appoint another  
137 member to serve in that member's place while the complaint is under  
138 review. Any member of the committee who is found to have violated  
139 the Legislative Code of Conduct shall be ineligible to serve again as a  
140 member of the committee.

141 (2) A member of the committee may recuse himself or herself from  
142 participating in any investigation of the conduct of a member upon  
143 submission of a written statement that he or she cannot render an

144 impartial and unbiased decision in the matter.

145 (3) If a member of the committee is disqualified or recuses himself  
146 or herself from participating in any committee proceeding, the  
147 appointing authority shall appoint a replacement member during the  
148 period of the original member's disqualification or recusal.

149 (i) Upon receipt of the committee's final recommendation, the  
150 respective chamber shall: (1) Consider the recommendation of the  
151 committee within fourteen days; and (2) by a majority vote of such  
152 chamber, either accept, dismiss or alter such recommendation.

153 (j) If the committee recommends expulsion, acceptance of such  
154 recommendation shall require a two-thirds vote of all members of the  
155 respective chamber. Acceptance of a committee recommendation for  
156 reprimand or censure shall require a majority vote of the members of  
157 the respective chamber.

158 (k) For purposes of this section:

159 (1) "Reprimand" is normally the appropriate sanction when the  
160 respondent commits a single, relatively minor act that causes a  
161 reasonable person to conclude that (A) the respondent, in the  
162 performance of his or her official duties, has afforded undue influence  
163 to another person or was unduly influenced by another person, or (B)  
164 the respondent is likely to act or fail to act, in his or her official duties,  
165 as a result of the undue influence exercised by another person or  
166 afforded to another person. Such punishment may include a denial of  
167 privileges of office. The recommendation for a reprimand is a public  
168 record.

169 (2) "Censure" is normally the appropriate sanction when the  
170 respondent commits more serious or repeated acts that constitute a  
171 legal or moral wrong. A member who is censured shall not serve in  
172 any leadership position and shall not serve as the chairperson or  
173 cochairperson of any standing or interim legislative committee for the  
174 remainder of that member's pending term in office. The respondent

175 shall be present in the chamber when the chamber considers and votes  
176 on the resolution.

177 (3) "Expulsion" is for very serious breaches of legal or ethical  
178 responsibilities of members that directly relate to their duties as  
179 members of the General Assembly, and that impugn the integrity of  
180 the General Assembly, reflect adversely on the General Assembly or  
181 otherwise undermine public trust in the institution of the General  
182 Assembly.

183 Sec. 502. (NEW) (*Effective from passage*) There is established a  
184 Legislative Code of Conduct that consists of the following provisions:  
185 Members of the General Assembly shall conduct themselves to justify  
186 the confidence placed in them by the people and, by personal example  
187 and admonition to colleagues, shall maintain the integrity and  
188 responsibility of their office. In addition to the other rules of the  
189 General Assembly, no member shall: (1) Engage in any conduct that  
190 constitutes a legal wrong that materially impairs the ability of the  
191 member to perform the duties of his or her office or substantially  
192 impairs public confidence in the legislature. For purposes of this code,  
193 "legal wrong" includes, but is not limited to, sexual harassment,  
194 repeated violations of the state penal code and discrimination  
195 prohibited under chapter 814c of the general statutes; (2) engage in any  
196 conduct that intentionally violates any provision of the code of ethics  
197 for public officials as set forth in chapter 10 of the general statutes. For  
198 purposes of this section, a member of the General Assembly is  
199 presumed to have intentionally violated the code of ethics only after  
200 such a determination by the Office of State Ethics; or (3) use or attempt  
201 to use his or her official position to secure unwarranted privileges or  
202 exemptions for himself or herself or others."